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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,697	06/16/2000	Robert Lee Fitzsimmons JR.	VULC-004/00US	2303

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EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/594,697

Applicant(s)  
Fitzsimmons

Examiner  
John Young

Art Unit  
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 16, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 6 & 9 6) ☐ Other:

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## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **ABSTRACT OBJECTION—37 CFR 1.72(b)**

2. Applicant is reminded of the proper format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. In this case the abstract contains 171 words. Correction is required. See MPEP § 608.01(b).

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. §103( a ) as being obvious over Merrill US 5,333,257 (07/26/1994) (herein referred to as “Merrill”) in view of Sehr US 6,085,976 (7/11/2000) [US f/d: 5/22/1998] (herein referred to as “Sehr”).

As per claim 1, Merrill (the ABSTRACT; FIG. 6; FIG. 15; col. 1, ll. 5-35; col. 2, ll. 1-67; col. 3, ll. 1-67; and col. 8, ll. 10-22) discloses the “public space”; “artifacts”; and “associating a unique identifier with each of the plurality of artifacts. . . .” elements and limitations of claim 1. In this case the Examiner interprets the plurality of identified seating choices as being equivalent to “associating a unique identifier with each of the plurality of artifacts. . . .”

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Merrill lacks an explicit recitation of the “recording, as the visitor traverses the public space, identifiers associated with artifacts the visitor indicates as being of interest to the visitor. . . .”

Sehr (the ABSTRACT; FIG. 2; col. 1, ll. 13-42; col. 3, ll. 60-67; col. 4, ll. 33-43- col. 4, ll. 54-67; and col. 5, ll. 1-11) shows elements that suggest the “recording, as the visitor traverses the public space, identifiers associated with artifacts the visitor indicates as being of interest to the visitor. . . .” elements and limitations of claim 1.

Sehr proposes “recording, as the visitor traverses the public space, identifiers associated with artifacts the visitor indicates as being of interest to the visitor. . . .” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such combination would have provided means that “*allows the ticket customer to see an approximation of that view for a particular event configuration. . . .*” (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided “*a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .*” (see Sehr (Col. 3, ll. 1-4)).

As per claim 2, Merrill in view of Sehr shows the method of claim 1. (See the rejection of claim 1 supra).

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Merrill lacks an explicit recitation of the elements and limitations of claim 2.

Sehr (col. 3, ll. 1-4) shows elements that suggest the elements and limitations of claim 2.

Sehr proposes “portable selection device” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such combination would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .”* (see Sehr (col. 3, ll. 1-4)).

As per claim 3, Merrill in view of Sehr shows the method of claim 2. (See the rejection of claim 2 supra).

Merrill lacks an explicit recitation of the elements and limitations of claim 3.

Sehr (col. 41, ll. 45-50) shows elements that suggest the elements and limitations of claim 3.

Sehr proposes “profile” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such

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combination would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .”* (see Sehr (col. 3, ll. 1-4)).

As per claim 4, Merrill in view of Sehr shows the method of claim 1. (See the rejection of claim 1 supra).

Merrill lacks an explicit recitation of the “Internet” elements and limitations of claim 4.

Sehr (Col. 1, ll. 38-42; col. 5, ll. 1-3; col. 7, ll. 15-25; col. 17, ll. 28-32; and col. 21, ll. 25-26) shows elements that suggest the “Internet” elements and limitations of claim 4.

Sehr proposes “Internet” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such combination would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to*

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*store, process and communicate cardholder data . . . and electronic payment means. . . .”*

(see Sehr (col. 3, ll. 1-4)).

As per claims 5-8, Merrill in view of Sehr shows the method of claim 1. (See the rejection of claim 1 supra).

Merrill (the ABSTRACT; FIG. 6; FIG. 15; col. 1, ll. 5-35; col. 2, ll. 1-67; col. 3, ll. 1-67; and col. 8, ll. 10-22) in view of Sehr (the ABSTRACT; FIG. 2; col. 1, ll. 13-42; col. 3, ll. 60-67; col. 4, ll. 33-43- col. 4, ll. 54-67; and col. 5, ll. 1-11) shows elements that suggest the elements and limitations of claims 5-8.

Merrill in view of Sehr lacks an explicit recitation of the elements and limitations of claims 5-8, even though Merrill in view of Sehr suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 5-8 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .”* (see Sehr (col. 3, ll. 1-4)).



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As per claim 9, Merrill (the ABSTRACT; FIG. 6; FIG. 15; col. 1, ll. 5-35; col. 2, ll. 1-67; col. 3, ll. 1-67; and col. 8, ll. 10-22) discloses the “public space”; “artifacts”; and “associated with a unique identifier. . . .” elements and limitations of claim 9. In this case the Examiner interprets the plurality of identified seating choices as being equivalent to associating a unique identifier with each of the plurality of artifacts.

Merrill lacks an explicit recitation of the “receiving the recorded artifact identifiers. . . .”

Sehr (the ABSTRACT; FIG. 2; col. 1, ll. 13-42; col. 3, ll. 60-67; col. 4, ll. 33-43- col. 4, ll. 54-67; and col. 5, ll. 1-11) shows elements that suggest the “receiving the recorded artifact identifiers. . . .” elements and limitations of claim 9.

Sehr proposes “receiving the recorded artifact identifiers. . . .” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such combination would have provided means that “*allows the ticket customer to see an approximation of that view for a particular event configuration. . . .*” (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided “*a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .*” (see Sehr (Col. 3, ll. 1-4)).

Merrill lacks an explicit recitation of the “portable selection device” elements and limitations of claim 9.

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Sehr (col. 3, ll. 1-4) shows elements that suggest the “portable selection device” elements and limitations of claim 9.

Sehr proposes “portable selection device” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of Merrill because such combination would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .”* (see Sehr (col. 3, ll. 1-4)).

As per claim 10, Merrill in view of Sehr shows the method of claim 9. (See the rejection of claim 9 supra).

Merrill lacks an explicit recitation of the “portable selection device” elements and limitations of claim 10.

Sehr (col. 3, ll. 1-4) shows elements that suggest the “portable selection device” elements and limitations of claim 10.

Sehr proposes “portable selection device” modifications that would have applied to the system of Merrill. It would have been obvious to a person of ordinary skill in the art the time of the invention to combine the teachings of Sehr with the disclosure of

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Merrill because such combination would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process and communicate cardholder data . . . and electronic payment means. . . .”* (see Sehr (col. 3, ll. 1-4)).

As per claims 11-14, Merrill in view of Sehr shows the method of claim 9. (See the rejection of claim 9 supra).

Merrill (the ABSTRACT; FIG. 6; FIG. 15; col. 1, ll. 5-35; col. 2, ll. 1-67; col. 3, ll. 1-67; and col. 8, ll. 10-22) in view of Sehr (the ABSTRACT; FIG. 2; col. 1, ll. 13-42; col. 3, ll. 60-67; col. 4, ll. 33-43- col. 4, ll. 54-67; and col. 5, ll. 1-11) shows elements that suggest the elements and limitations of claims 11-14.

Merrill in view of Sehr lacks an explicit recitation of the elements and limitations of claims 5-8, even though Merrill in view of Sehr suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 11-14 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means that *“allows the ticket customer to see an approximation of that view for a particular event configuration. . . .”* (see Merrill (col. 1, ll. 31-33)) and because such combination would have provided *“a portable . . . card to store, process*

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*and communicate cardholder data . . . and electronic payment means. . . .” (see Sehr (col. 3, ll. 1-4)).*

### CONCLUSION

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/594,697

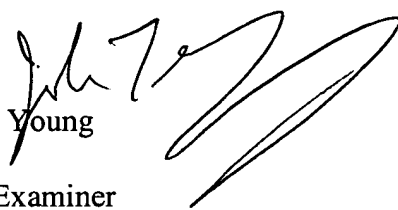
(Fitzsimmons)

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Patent Examiner

(Partial Signatory Authority)

September 24, 2002